

**REMARKS/ARGUMENTS**

Please add the attached Fig. 1. Applicant submits that including this figure would add no new matter because Fig. 1 is essentially the same as Fig. 1 of U.S. Patent Application 09/314,614 which was incorporated by reference in the current application at the time of filing the current application.

A petition was filed to have this figure included as part of the original disclosure, asserting that the figure was submitted but lost by the office. Applicant disagrees with the logic and holding of that dismissal, but nonetheless chose not to argue it, as the figure could more easily be entered using this preliminary amendment.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
Philip H. Albert  
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400 Fax: 415-576-0300  
Attachment  
PHA:djb  
60636518 v1